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UNITED STATES SMALL BUSINESS
ADMINISTRATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES SMALL BUSINESS
ADMINISTRATION, an agency of the
government of the United States of America,

Plaintiff,

v.

MICHAEL D. BENSAL, an individual, SUSAN
J. BENSAL, as trustee of The Edward D. Bensal
Trust, MICHAEL EDWARD BENSAL, an
individual, and SOPHIA BENSAL, an individual,

Defendants.

Case No.: CV 13-02263 WHO

JUDGMENT

The Court, having granted the Motion for Summary Judgment filed by Plaintiff, the United States Small Business Administration (“SBA”), by Order dated October 31, 2014, entitled “Order Granting Plaintiff’s Motion for Summary Judgment and Denying Defendants’ motion for Summary Judgment,” and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

1. Judgment shall be, and is hereby ENTERED in favor of Plaintiff SBA and against defendants Michael D. Bensal, Susan J. Bensal, as trustee of The Edward D. Bensal Trust, and Michael Edward Bensal (collectively, “Defendants”) on SBA’s claim to set aside as a fraudulent transfer defendant Michael D. Bensal’s attempted disclaimer of his beneficial share and rights to distribution of his share of the assets of his deceased father’s trust estate (“Trust Share”),

1 pursuant to section 3304(a)(1) of the Federal Debt Collections Procedures Act, 28 U.S.C. § 3001
2 *et. seq.* The judgment shall be for the full value of the Trust Share, comprised of cash held by
3 the Trustee in an interest bearing FDIC insured account, the total value of which equaled
4 \$153,944.30 as of January 31, 2013, as necessary to satisfy the amount currently owed by
5 Michael D. Bensal under the California state court judgment assigned to the SBA, the amount of
6 which attributable to the SBA guaranteed loan currently exceeds the sum of \$294,000, not
7 including attorneys' fees or costs awarded under that judgment.

8 2. The transfer of the Trust Share pursuant to Michael D. Bensal's disclaimer is
9 VOID. *See*, 28 U.S.C. § 3306(a)(1).

10 3. Defendants are ORDERED to transfer all property representing Michael D.
11 Bensal's Trust Share to the SBA in satisfaction of the portion of the state court judgment relating
12 to the SBA guaranteed loan. 28 U.S.C. § 3306(a)(2).

13 4. Defendants may not otherwise dispose of the Trust Share. All Defendants are
14 ENJOINED from selling, transferring, or otherwise conveying or assigning any property
15 representing the trust share. A lien is imposed on all property representing the Trust Share
16 pursuant to 28 U.S.C. § 3201.

17 5. Costs and attorneys' fees shall be determined pursuant to post-judgment proceedings.

18 IT IS SO ORDERED.

19 Dated: November 10, 2014

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21 WILLIAM H. ORRICK
22 UNITED STATES DISTRICT JUDGE
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